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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/428,284	10/27/1999	ANDREW D. HOLMES	3894	4449

758            7590            10/23/2002

FENWICK & WEST LLP  
TWO PALO ALTO SQUARE  
PALO ALTO, CA 94306

EXAMINER

PWU, JEFFREY C

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/428,284	HOLMES ET AL.
	Examiner	Art Unit
	Jeffrey Pwu	3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 8/9/02 amendment.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-57 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-57 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ .	6) <input type="checkbox"/> Other: _____

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## DETAILED ACTION

### Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-57 are rejected under 35 U.S.C. 102(e) as being unpatentable over Walker et al "Walker" (US 5,884,274).

Walker teaches:

A method and system for managing financial transactions comprising:

receiving a financial transaction, including a date and a transaction amount in the first currency (col. 1, lines 60-65 “generating and executing insurance policies for foreign exchange losses that substantially obviate one or more of these limitations by

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automatically determining an appropriate premium, and processing transactions under the foreign exchange insurance policies” );

accessing a stored plurality of exchange rates for the first currency with respect to the second currency, each exchange rate corresponding to a time period (col.4, lines 63-68 “Exchange rate volatility database 280 stores historical volatility data corresponding to each currency. This data may include past exchange rates, as well as the standard deviation of the rates over a given period of time” );

selecting one of the stored exchange rates responsive to the date of the financial transaction and to the time periods of the stored exchange rates (col.5, lines 1-10);

applying the selected exchange rate to the received financial transaction, to derive a converted transaction amount in the second currency (col.9, lines 50-64 “central controller 200 calculates the transaction amount in domestic currency using the prevailing exchange rate on the day transaction data 70 is received by central controller 200 (step 1210). For example, if the prevailing exchange rate is four francs per dollar when the traveler pays for his hotel room, the cost in dollars would be two hundred and fifty. The differential between the two amounts is determined by subtracting the transaction amount at the prevailing rate from the transaction amount at the locked-in rate (step 1220). In the above example, the differential is fifty dollars. This represents a

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loss to the traveler due to the drop in exchange rate from five francs to four francs per dollar.");and

wherein the financial transaction is selected from the group consisting of an investment purchase and an investment sale (insurance).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 10, 15, 19, 22, 24, 26, 29, 32, 35, 44, 49, 53, and 56 are rejected under

35 U.S.C. 102(b) as being unpatentable by "Pacific Exchange Rate Service Retrieval Interface" <http://pacific.commerce.ubc.ca/xr/data.html>, November 25, 1996 hereinafter "Pacific" or "Oanda Currency Converter", <http://www.oanda.com/>, December 10, 1997, hereinafter "Oanda".

Pacific teaches:

A method and system for managing financial transactions comprising:

receiving a financial transaction, including a date and a transaction amount in the first currency (see page 1 of Pacific Exchange Rate Service Retrieval Interface, Quotation);

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accessing a stored plurality of exchange rates for the first currency with respect to the second currency, each exchange rate corresponding to a time period (Pacific Exchange Rate Service Retrieval Interface);

selecting one of the stored exchange rates responsive to the date of the financial transaction and to the time periods of the stored exchange rates (see Historic FX Rates Database);

applying the selected exchange rate to the received financial transaction, to derive a converted transaction amount in the second currency (Output Format); and

wherein the financial transaction is selected from the group consisting of an investment purchase and an investment sale (It is inherent that currency exchanges are the result of various financial transactions; see purchasing power parity).

Oanda teaches:

A method and system for managing financial transactions comprising:

receiving a financial transaction, including a date and a transaction amount in the first currency (FXP);

accessing a stored plurality of exchange rates for the first currency with respect to the second currency, each exchange rate corresponding to a time period (See 164 currency converter);

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selecting one of the stored exchange rates responsive to the date of the financial transaction and to the time periods of the stored exchange rates (164 currency converter homepage; select date rates);

applying the selected exchange rate to the received financial transaction, to derive a converted transaction amount in the second currency (164 currency converter “Convert Now!”);and

wherein the financial transaction is selected from the group consisting of an investment purchase and an investment sale (What are OANDA's other exciting financial services?”).

### **Response to Arguments**

5. Applicant's arguments with respect to claims 1-57 have been considered but are moot in view of the new ground(s) of rejection.

☞ Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jeffrey Pwu whose telephone number is (703) 308-7835

Jeffrey Pwu



18 October 2002